

Howrey Docket No. 04813.0013.NPUS00
MP Ref. No.: MPPT.0008.NPRUS01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Martin de Tezanos Pinto, et al.

Application No.: 10/060,965

Filed: October 19, 2001

For: **RECIRCULATING ANODE**

Art Unit: 1741

Examiner: Unassigned

TRANSMITTAL FOR PETITION TO REVIVE UNINTENTIONALLY

ABANDONED APPLICATION UNDER 37 CFR §1.137(b)

Mail Stop Petitions

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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NOV 25 2003

OFFICE OF PETITIONS

Sir:

Applicants submit the following documents for appropriate action by the U.S. Patent and Trademark Office:

- Petition to Revive Unintentionally Abandoned Application Under 37 CFR §1.137(b);
- Copy of Notice to File Corrected Application Papers;
- Preliminary Amendment with 7 (seven) sheets of substitute drawings; and
- Return postcard.

11/25/2003 AWDNDAF1 00000029 083038 10060965

01 FC:2453 665.00 DA

CERTIFICATE OF MAILING
(37 C.F.R. §1.8a)

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 20, 2003

Date of Deposit

Robin L. Clow

Name of Person Mailing Paper

R. Clow

Signature of Person Mailing Paper

The U.S. Patent and Trademark Office is hereby authorized to charge a fee of \$665.00 required under 37 CFR §1.17(m), as well as any fee deficiency, to our Deposit Account No. 08-3038, referencing Docket No. 04813.0013.NPUS00.

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Respectfully submitted,

OFFICE OF PETITIONS

Date: November 19, 2003



Robert C. Laurenson, Reg. No. 34,206

HOWREY SIMON ARNOLD & WHITE, LLP
301 Ravenswood Avenue, Box No. 34
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FAX No. (650) 463-8400
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Dear Sir:

Applicants hereby request that the above-captioned application be revived. Applicants believe that this application is currently abandoned for failure of Applicants to timely respond to a Notice to File Corrected Application Papers dated May 22, 2002. However, Applicants never received the original Notice, and were not made aware of the Notice until October 16, 2003. Thus, the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

Since October 2002, Applicants made repeated attempts to obtain status from the USPTO on an outstanding Petition to Make Special filed in connection with this application. Applicants contacted the USPTO Technology Center in October and November 2002 and learned that the Petition was pending, but were never apprized of the outstanding Notice. Applicants made

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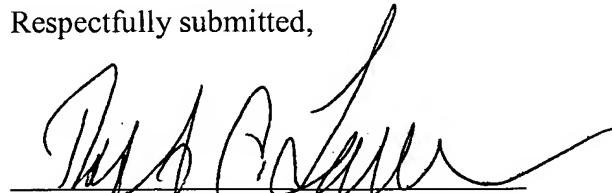
Signature of Person Mailing Paper

further status requests in March, April, and May of 2003, and were informed on each occasion that the Petition to Make Special was still pending. Despite these status requests, Applicants were not made aware of the outstanding Notice until, in response to another status inquiry, the USPTO provided a facsimile copy on October 16, 2003, almost 17 months after the original mailing date. In a November 13, 2003 phone conference with Preston Wallace of the OIPE, Applicants were advised that the status of this application is uncertain, due in part to the outstanding Petition to Make Special. Mr. Wallace further advised Applicants to file this petition under 37 CFR §1.137.

In view of the above, Applicants maintain that the entire delay in filing a response to the outstanding Notice was unintentional, and therefore respectfully request that this petition be granted. In papers submitted with this petition, Applicants have responded to the outstanding Notice by providing substitute drawings to correct informalities in the application as filed.

The U.S. Patent and Trademark Office is hereby authorized to charge a fee of \$665.00 required under 37 CFR §1.17(m), as well as any fee deficiency, to our Deposit Account No. 08-3038, referencing Docket No. 04813.0013.NPUS00.

Respectfully submitted,

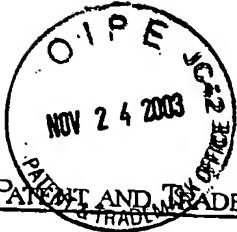


Robert C. Laurenson, Reg. No. 34,206

Date: November 19, 2003

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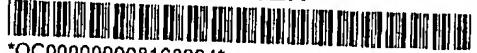
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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/060,965	10/19/2001	Martin de Tezanos Pinto	04813.0013.NPUS00

27240
HOWREY SIMON ARNOLD & WHITE, LLP - OC
301 RAVENSWOOD AVENUE
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MENLO PARK, CA 94025

CONFIRMATION NO. 7892

FORMALITIES LETTER



OC000000008168994

Date Mailed: 05/22/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center
Initial Patent Examination Division (703) 308-1202

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